



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,535	04/04/2001	Thomas R. Cundiff	BOCO117190	2824

26389 7590 02/21/2003

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER

KUHNS, ALLAN R

ART UNIT PAPER NUMBER

1732

DATE MAILED: 02/21/2003

C

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/826,535

Applicant(s)

CUNDIFF ET AL.

Examiner

KUHNS

Group Art Unit

1732

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 5-9 AND 35-38 is/are pending in the application.
- Of the above claim(s) 5-9 AND 35-37 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 38 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 3
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 1732

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 5-9, drawn to a method of resin transfer molding, classified in class 264, subclass 46.6.
 - II. Claims 35-37, drawn to a method of forming a radius filler, classified in class 87, subclass 7.
 - III. Claim 38, drawn to a method of forming a core structure, classified in class 156, subclass 79.

2. The inventions are distinct, each from the other because:

Each Group is drawn to an independent and distinct process. The process of Group I is distinct from Group II because Group II requires the formation of a composite of unidirectional tows and a braided sleeve, none of which is required of the method of Group I. Group I is distinct from Group III because Group I requires transfer molding while the process of Group III proceeds with prepreg material. Group III is distinct from Group II in that prepreg material is used in the process of Group III, and Group III requires none of the unidirectional tows and braided sleeve of Group II.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art requiring divergent fields of search for the respective inventions, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Paul Cullom on February 12, 2003 a provisional election was made with traverse to prosecute the invention of Group III, claim 38. Affirmation

Art Unit: 1732

of this election must be made by applicant in replying to this Office action. Claims 5-9 and 35-37 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Macaire et al.

Macaire et al. disclose the basic claimed method of forming a core structure including (1) providing a mold having an internal cavity, (2) arranging a prepreg along the inside of the internal cavity, (3) placing an expandable foam material in the cavity of the mold and within the prepreg material, (4) heating the expandable foam material so as to expand the foam material within the prepreg material so as to press the prepreg material against the walls of the cavity of the mold (column 3, lines 13-19), and (5) curing or hardening the expandable foam material and curing or cross linking the prepreg material so as to form the core structure. Macaire et al. do not illustrate the positioning of the prepreg around the circumference of the mold but such is well known and would have been obvious to one of ordinary skill in the art in order to provide the entire surface of the article with a reinforced skin. Macaire et al. actually suggest such an embodiment (having a skin around the circumference of the article) by stating at column 2, lines 38-43 that "at least a part" of the skin is reinforced.

Art Unit: 1732

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is (703) 308-3462. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino, can be reached on (703) 308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Allan R. Kuhns
ALLAN R. KUHN
PRIMARY EXAMINER A U 1732
2-14-03